Surrey Dormouse Group Objection to Planning Application MO/2022/1441 for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO)

Surrey Dormouse Group objects to the Application on the grounds stated below.

1. The Hazel Dormouse

The hazel dormouse *Muscardinus avellanarius* is native and localised in the UK, rare and vulnerable to extinction. It is a European and UK Protected Species and a conservation priority.

Dormice are protected under the Wildlife and Countryside Act (WCA)1981 (as amended) and other national and international legislation. It is an offence to intentionally or recklessly kill, capture, or disturb a dormouse and obstruct, damage or destroy its breeding site or resting place.

Nationally, the dormouse population has declined by over 50% since 2000, due in part to loss and fragmentation of habitat. Many of the sites monitored by Surrey Dormouse Group reflect this national decline in terms of numbers of animals being found year on year. It is therefore imperative to ensure that any works take place with due regard to dormice and to other protected species.

Dormice require a mixed woodland, hedgerow or scrub habitat to provide food and shelter and can survive in small pockets of woodland where there is connectivity to other areas of suitable habitat. They build their summer nests in vegetation as well as in tree holes, and their winter hibernation nests on the ground within, and at the edges of, this habitat. The Dormouse Conservation Handbook (English Nature (now Natural England), 2006) states that *"The presence of dormice should be assumed in any areas of woody habitat (including plantations, hedgerow and scrub) within their range, particularly in the south of England."*

The Application site is connected across the landscape to known dormouse habitat within less than 1km and it is therefore considered likely that dormice are present on site. A Natural England mitigation licence may be required under the EU Habitats Directive (transposed into UK law as the Conservation of Species and Habitats Regulations 2019 (EU Exit)), if felling operations could adversely affect any protected species, including dormice, to protect the dormouse population whilst work is underway and ensure that there is no net loss of dormouse habitat long term.

2. Reasons for the TPO

The TPO was put in place in 2021 following concerns over the future plans for use of the woodland by the absentee landowners. The woodland was assessed as *"high quality local habitat of landscape significance"* and the TPO was confirmed to ensure the Council was able to maintain an element of control over its future use to avoid harm to the character and amenity value of the woodland. The Tree Officer Report acknowledges that there were '*clearly intentions to remove trees from the woodland and a desire to erect structures, which is evident in the submission of the prior approval notice MO/2020/0874'* for an agricultural building associated with a planned commercial cultivation operation.

3. The Application

The application lists over 500 ash and sycamore trees to be felled, with 9 detailed as being close to a Public Right of Way (PROW). Whilst it is acknowledged that there could be a risk to health and safety posed by a falling tree or limb as a result of disease, this is considered to be minimal and felling should be restricted to those trees which pose a clear and imminent risk only.

The removal of over 500 trees across a site of this size (6.52ha) is considered to be wholly unnecessary and is tantamount to the destruction of the whole woodland habitat, fundamentally altering the structure of the woodland and the ground flora and, consequently, affecting all species present. Unfortunately, there is no detail provided within the application of the age and size of the trees, which could provide more insight into the potential effects. As has been demonstrated locally, the removal of ash on a large scale can have a severe, long-term impact on the surrounding ground structure, ground flora and surrounding trees and consequently the protected species and other species present.

The north-west corner of the woodland is designated as Ancient Semi-Natural Woodland, as recognised in the TPO. The whole site is a Habitat of Principal Importance Deciduous Woodland under the Natural Environment and Rural Communities (NERC) Act (2006) Section 41. The NERC Act places an obligation on public authorities, including local authorities, to help halt the loss of biodiversity within their jurisdiction, and where possible, enhance it, paying particular regard to priority habitats and species.

It is acknowledged that the Application is made specifically for TPO tree works, however, we believe it cannot be considered without taking into account the impact, of both the felling and the planned ongoing management, on the woodland in its entirety and, for this reason, ask you to refer to the Woodland Management Plan (hereafter referred to as 'the Plan'), provided as part of the Felling Licence application, when considering your decision.

Within the Plan it is stated that: *"There are no official records of on-site surveys for EPS. However, it is anticipated that dormice and bats may be present on site, with species of the latter recorded within 1km of site, and as such these will be taken into account during woodland operations. For example, trees will be assessed before undertaking any works for potential bat roosts or signs of dormice and if found the associated feature/ area will be left undisturbed."*

It is later re-stated, albeit with slightly different detail that *"There are no official records of on-site surveys for BAP species. However, it is anticipated that dormice and bats may be present on site, with species of the latter recorded within 2km of site, and as such these will be taken into account during woodland operations. For example, trees will be assessed before undertaking any works for potential bat roosts and if found the associated feature/ area will be left undisturbed. Works will seek to enhance the various habitats to further support other Priority Species."*

There is no detail provided on how protected species will be taken into account before, during or after tree works. Signs of dormice are extremely difficult to find without using an appropriate survey method over a suitable period of time, even by an experienced surveyor. Depending on the time of year, a dormouse may be using the tree canopy, nesting in a tree hole, hedge or scrub, or

hibernating on the woodland floor; any works within suitable dormouse habitat must take this into account and there is no evidence provided to suggest that this will be the case.

Protected species surveys must therefore be carried out, prior to any felling of trees in this woodland, by suitably experienced and licenced personnel, to inform detailed plans showing how harm to protected species will be avoided and how the loss of habitat will be mitigated, along with enhancements *"to further support other Priority Species"* as stated in the Plan.

4. Other Protected Species

The likely presence of a number of bat species on site is acknowledged within the Plan, however there have been no surveys and, as with dormice, there is no mention of how and when the assessments for bats will be carried out or by whom.

There is no mention of badgers in relation to the Application yet badgers are known to be present on site and there is nothing in the Plan to indicate how badgers will be protected from disturbance during felling operations and future use of the site.

There has been no assessment regarding other species such as breeding birds, reptiles or invertebrates. Reference is made to vegetation surveys having identified ancient woodland indicator species including native bluebell *Hyacinthoides non-scripta* and crab apple *Malus sylvestris,* however the information provided is limited and there is no mitigation plan in place to ensure the longevity of these species.

5. Forestry Commission Guidance

The following are excerpts from the Forestry Commission guidance - Tree Felling/Getting Permission.

"A felling licence permits you to fell growing trees legally. However, the felling of those trees may still need separate consents or permissions. Some species of plants and animals have declined to such an extent that they, and the habitats they rely on, have legal protection. It is important that you balance managing woodland and producing timber with protecting important wildlife and woodland habitat. […]"

"[…] Before starting any tree felling, you must carefully assess the risks from the work proposed and how felling work will impact on resident wildlife populations and associated habitats."

"You must make sure that the work is planned to ensure protected species are not intentionally harmed or killed; that their nests or dwellings are not damaged or destroyed; and that the habitat is safeguarded from permanent and lasting damage."

"Particular attention is needed in respect of birds and bats that may be nesting or roosting in the trees you intend to fell, as well as mammals such as dormice, […] badgers, which will actively use the woodland for foraging and raising young at certain times of the year, and may hibernate at other times."

"You should make and keep records of any surveys undertaken, any reports you commission, and the decisions you make on how and when tree and woodland management is undertaken. […] You may need to seek further professional or specialist advice to achieve this […]."

There is no indication given in the Plan or in the Application as to whether this guidance has been followed, or when or how this will take place. In woodlands with ash dieback present, such as this, it is still a requirement to follow the guidelines and take protected species into account. Without the appropriate baseline surveys, it is not possible to determine whether a licence is required and the success of conservation and enhancement measures cannot be quantified.

6. Herbivore Control

The suggestions put forward in the Plan regarding deer and grey squirrel control are considered wholly inappropriate for a woodland of this size, indicating, at best, a lack of research and at worst a lack of consideration for biodiversity as a whole.

The Plan states that *"There does not appear to be significant deer pressure through the wood, perhaps due to the relatively small size of the woodland and its proximity to significant urban infrastructure",* however they suggest control by 'stalking'. If the wish is to prevent access and browsing by deer, dead hedging and fencing can be used. This is not an appropriate site on which to carry out a cull more suited to large areas of land well away from PROW and residential properties.

Likewise, the proposal to control grey squirrels, particularly as it is stated that "*the majority of trees are mature and are therefore at low risk. There are only modest amounts of damage currently visible*", is entirely inappropriate. The suggested *"introduction of pine martin"* (sic) is nothing short of ludicrous. Considering the pressure from herbivores is stated to be insignificant, it would appear that the plan to control these species comes from a desire to maximise profit rather than from the intention to enhance the woodland.

7. Conclusion

We acknowledge that some trees may be considered to pose an imminent health and safety risk where they are close to a PROW and may need to be felled to remove this risk, however, protected species surveys must be carried out, by suitably experienced and licenced personnel, at the appropriate time of year, before any work is carried out. Any felling must be closely monitored to ensure protected species are taken into consideration at all stages of the operation.

The lack of attention paid to protected species, the measures put forward for herbivore control, the plan to "*Consider developing site infrastructure and access for forestry and owner activities",* would seem to indicate that this is a commercial forestry operation under the guise of woodland management. This suspicion is borne out not only by the objections to the TPO in which the landowners stated that they would be *"left in the most unfavourable and out-of-pocket position"* but also by the Prior Approval sought in 2020 relating to commercial cultivation and the economic threat identified in the Plan stating that there is a "*Possible need to diversify operations or operate at a larger scale to make it cost efficient".*

For the reasons stated above, namely the lack of consideration for the aim of the original TPO and the apparent disregard for the protected species likely to be present, including dormice, as well as the apparent intent to use the woodland for commercial purposes, Surrey Dormouse Group strongly objects to the Application.

SDG 10.09.22